



Reason for unavoidable delay in filing a proper reply
[Continued from the previous page from PTO/SB/61(10-00)]

As the applicant came to know the name of the examiner only from the notice of abandonment (signed by the primary examiner himself), the applicant had no prior way of finding out the status of his application from any specific person, except to depend upon the communication from USPTO by mail.

Even on 6 September, 2002, the date of receipt of the notice of abandonment from Mr. Daniel G. DePumpo, the applicant found out his telephone number through USPTO website PAIR system (the PTO-Employee-Information-Screen printout enclosed). As the address given on the screen was insufficient, the applicant attempted to make telephone calls to the examiner, Mr. Daniel G. DuPumpo (telephone 703 308-1285), repeatedly to inform his non-receipt of the notice mailed of 15 January, 2002; and to request for a copy of that notice to be faxed to the applicant in India; so that the applicant could immediately make a proper reply to be sent along with this petition. Unfortunately, despite repeated attempts, the examiner could not be contacted personally. Every time the call would reach his answering machine. Thrice the applicant left behind distress messages regarding the need for him to have a copy of the examiner's notice originally mailed on 15 January, 2002. The applicant left his application and telephone numbers on the examiner's answering machine. In the process of making one call, the applicant happened to speak to a person and not to a recorded voice; that lady after finding out the application number declared the application as abandoned. When asked by the applicant for a copy of 15 January, 2002 notice, she replied by saying that she is not the examiner and that she would transfer the call to the examiner himself. The transferred call again found the answering machine of Mr. Daniel G. DePumpo, where the applicant left a fresh message complete with his application and telephone numbers.

In the meantime, on the same day (it was night in India), on 6 September, 2002, the applicant also decided to make a call to petitions information (703) 305-9282. The call was taken by a help-desk officer, who in turn transferred it to another concerned official on whose answering machine the applicant left his message. After the lapse of an hour or so (around 1 a.m. IST, 7 September, 2002 in India) a lady who identified herself as Sharon called up and sympathetically noted down the information sought by the applicant. She was given the fax number of the applicant - which is the same as his telephone number. She assured the applicant of being back with more information. But that did not happen that day. There was no call from Mr. Daniel G. DePumpo or from his office.

In the light of the above-mentioned happenings and circumstances, the applicant is sending this petition, once again requesting the USPTO to furnish him with a copy of the original notice mailed on 15 January, 2002 which was never received by the applicant in India, so that the applicant can send a proper reply to that notice. Keeping in view the above-mentioned circumstances, it could be appreciated by the USPTO that the applicant could not have replied to the notice of 15 Jan, 2002 by any means. The applicant thus requests the USPTO to revive his patent application (No.09/781,090 filed on 01/12/2001) amidst the circumstances which disfavor the applicant due to his geographical and financial position

The applicant would further like to request the USPTO to please consider the transmittal of a fax copy of any notice to be sent to the applicant in future. If that is not possible, notices could, please, be considered to be posted twice to facilitate safe receipt in India by the applicant. The applicant is ready to pay a special fee to arrange for this kind of postal arrangement.

10 September, 2002

Anadish Kumar Pal
Anadish Kumar Pal

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/781,090	01/12/2001	Anadish Kumar Pal	

CONFIRMATION NO. 7477



ANADISH KUMAR PAL
194 VAISHALI
PITAMPURA
DELHI, 110034
INDIA

Date Mailed: 08/08/2002

NOTICE OF NEW OR REVISED PROJECTED PUBLICATION DATE

The above-identified application has a new or revised projected publication date. The current projected publication date for this application is 11/14/2002. If this is a new projected publication date (there was no previous projected publication date), the application has been cleared by Licensing & Review or a secrecy order has been rescinded and the application is now in the publication queue.

If this is a revised projected publication date (one that is different from a previously communicated projected publication date), the publication date has been revised due to processing delays in the USPTO or the abandonment and subsequent revival of an application. The application is anticipated to be published on a date that is more than six weeks different from the originally-projected publication date.

More detailed publication information is available through the private side of Patent Application Information Retrieval (PAIR) System. The direct link to access PAIR is currently <http://pair.uspto.gov>. Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.

Questions relating to this Notice should be directed to the Office of Patent Publication at (703) 305-8283.

PART 1 - ATTORNEY/APPLICANT COPY

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,090	01/12/2001	Anadish Kumar Pal		7477

7590 08/26/2002
ANADISH KUMAR PAL
194 VAISHALI
PITAMPURA
DELHI, 110034
INDIA

EXAMINER

DEPUMPO, DANIEL G

ART UNIT PAPER NUMBER

3611

DATE MAILED: 08/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment

Application No.
09/781,090

Applicant(s)

Pal

Examiner

Daniel G. DePumpo

Art Unit

3611




-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on Jan 15, 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


DANIEL G. DEPUMPO
PRIMARY EXAMINER
ART UNIT 3611

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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**Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01**

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

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Employee	Phone	Ext	Office	Fax Number
DEPUMPO DANIEL G	(703)308-1285		P/3611	-
DEPUMPO JOSEPH	-	-	-/-	-

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